

# **EXHIBIT E**

**Transcript of Walker County Civil Service Board Hearing dated 12/6/04**

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CIVIL SERVICE BOARD  
OF WALKER COUNTY  
GRIEVANCE HEARING  
DECEMBER 6, 2004  
REGARDING TAZ DAY BURCH  
A.K.A. TOMMY BARRON

HEARING BEFORE  
CHARLES STEPHENS, SR.

APPEARANCES

REPRESENTING THE HIRING AUTHORITY:

HANK WILEY

GARY WILLFORD

REPRESENTING THE GRIEVANT:

ANTHONY J. PIAZZA

BOARD MEMBERS:

ANDREW ARCHIE, Chairman

DAVID KELLY

ELLIS NICKLAUS

MORRIS STUDDARD, JR.

DOYLE CUMMINGS

SHARON TUCKER, CLERK

1 REPORTED BY: Rhonda G. Woods, CSR

2 Certificate No. AL-CSR-228

3  
4 I N D E X

5 PAGE

6 WITNESSES:

7 CHRISTOPHER DALE KENDRICK

8 Direct by Mr. Piazza 8, 28

9 Cross by Mr. Willford 14, 28

10 PATRICIA WILKERSON BARRON

11 Direct by Mr. Piazza 36, 88

12 Cross by Mr. Willford 71

13 ALAN GENE BARRON

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17 Direct by Piazza 126, 137

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1                                    December 6, 2004

2                    THE COURT:            Today is December 6, 2004.  
3       We're reconvening for the purpose of continuing the  
4       hearing on the complaint of Taz Burch.

5                    And a couple of preliminary matters before  
6       we actually get on the record with testimony. Mr.  
7       Piazza, you had subpoenaed some -- or requested subpoena  
8       of some documents. We have a response. Where is that  
9       information, Sharon? And I think that the best I can  
10      tell, I haven't looked at it, but from talking with  
11      Sharon, it appears that we've got a response from  
12      everyone except the City of Carbon Hill. We did not get  
13      any records from them. She called them today and  
14      they --

15                   MS. SHARON TUCKER: This is the Civil  
16      Service Board and this is from the Sheriff's Department.  
17      Did Trent have his from the jail or was it --

18                   SHERIFF TIREY: It's all combined. The only  
19      thing on that that I would like for y'all to do on the  
20      record -- I mean, is he wanting to carry that policy  
21      manual with him? I don't have any problem of  
22      reproducing it.

23                   THE COURT:            Well, what we'll do is let  
24      him look at it and any parts he wants out of it -- it  
25      looks like you might need to reproduce it anyway. Go

1 out to UPS or whatever it is out there and they will  
2 duplicate it pretty -- or you might do it in the office.

3 MR. PIAZZA: I would like it all produced  
4 if that's possible.

5 SHERIFF TIREY: We copied the other. I  
6 don't have any problem with it, but that document is a  
7 policy manual.

8 MR. PIAZZA: This is a copy here?

9 SHERIFF TIREY: As far as I know.

10 MR. PIAZZA: How about this, is this a  
11 copy also? No, these look --

12 THE COURT: This is from the Civil  
13 Service Board. Those are copies.

14 MR. PIAZZA: Okay. So that's a copy. I  
15 can keep that. So the only thing in question would be  
16 this here, right, the policy manual, policies and  
17 procedures? And you can make a copy of that if I need  
18 one?

19 SHERIFF TIREY: Somebody can. If we do it,  
20 it's going to be pretty expensive, because I'm going to  
21 charge somebody for my hired help and the copying fee.

22 THE COURT: What we've started doing in  
23 our office, any time we have to reproduce a volume of  
24 material like that, we just send it out to UPS and they  
25 do it for us a lot cheaper than we can do it in our own

1 office.

2 Gary, have you had an opportunity to look at  
3 any of the subpoenaed material that's just been --

4 MR. WILLFORD: No, sir, I haven't, but I'm  
5 familiar with the Sheriff -- I saw something with Ingle,  
6 D on it that I would like to look at.

7 THE COURT: We're just talking in general  
8 terms. Why don't we, at least so the record won't be  
9 completely devoid of any descriptive information, Sharon  
10 what is this in the Manila folder that looks like it may  
11 have come from the Sheriff's Department?

12 MS. SHARON TUCKER: I didn't look at that.

13 MR. WILLFORD: Do you know what this is,  
14 Sheriff?

15 SHERIFF TIRE: Yes, sir.

16 THE COURT: Is that his personnel file?

17 SHERIFF TIREY: Basically his personnel  
18 file with application, schooling. I don't know. They  
19 asked for everything in the world, but everything that  
20 we had that we complied with it.

21 THE COURT: Let's keep it intact and as  
22 soon as Mr. Willford has an opportunity to look at it,  
23 what we'll do is identify it as one exhibit. I'm  
24 assuming -- since we've been talking about it, it's not  
25 necessarily going to be in evidence but we'll at least

1 identify it so the record will know what we've been  
2 talking about. And that will be the personnel file of  
3 Mr. Derane Ingle, and it's all contained in one Manila  
4 folder, and we'll just mark that as an exhibit.

5 MR. WILLFORD: Deputy Ingle raised a  
6 concern about his Social Security number, date of birth,  
7 and some other information that could be used as far as  
8 identity theft. Can we redact those from these records?

9 THE COURT: I certainly think that would  
10 be appropriate. Any problem with that?

11 MR. PIAZZA: I wouldn't have a problem  
12 with that. I think the law allows at least the last  
13 four, I mean, and there is no violation, from what I  
14 understand, of divulging the last four.

15 MR. WILLFORD: We have a N.C.I.C. check in  
16 here that I don't think would be appropriate for an  
17 administrative hearing like this to release. This is  
18 for criminal justice use only.

19 MR. PIAZZA: Can I suggest that we take  
20 about a half hour, 45 minutes, and go over all this, see  
21 if he has any objections, see if I want to introduce it,  
22 and have you decide before we put this in front of the  
23 Board?

24 THE COURT: Sure, that would be  
25 appropriate to do that.

1 MR. PIAZZA: That would give him and me a  
2 chance to talk about it.

3 THE COURT: I think that would be fair  
4 and appropriate. Let's just take whatever time to look  
5 through it and neither of you had an opportunity to see  
6 it before so that will be good.

7 (Short break.)

8 THE COURT: We'll go ahead and there is  
9 going to be a gap in the tape and in the stenographer's  
10 notes, and basically what we've been doing is reviewing  
11 the discovery material, and we'll go ahead now and  
12 commence with the taking of testimony.

13 Mr. Piazza, you still have the case.

14 MR. WILLFORD: Excuse me just for a minute.  
15 Were we going to take Officer Kendrick out of order,  
16 because we're getting close to -- actually I think we're  
17 right at 6:30.

18 MR. PIAZZA: Okay. Why don't we take  
19 him?

20 THE COURT: That will be fine. For the  
21 Board, what we're doing, we have a witness that was  
22 scheduled to testify tonight by the Hiring Authority.  
23 He has another scheduled appointment, so they're going  
24 to take him out of order. So that will be just for your  
25 information. And once he's testified, of course, he'll



1 be excused, and then Mr. Piazza will continue with his  
2 witnesses.

3 CHRISTOPHER DALE KENDRICK

4 called on behalf of the Hiring Authority, having  
5 been duly sworn by the Judge, was examined and testified  
6 as follows:

7 DIRECT EXAMINATION

8 BY MR. WILLFORD:

9 Q. Please state your name for the record, sir.

10 A. Christopher Dale Kendrick.

11 Q. How are you employed?

12 A. At the Walker County Sheriff's Department  
13 under sergeant on third shift.

14 Q. Third shift of the jail?

15 A. Yes.

16 Q. On February 16 of this year, were you  
17 employed in that capacity as well?

18 A. Yes, sir.

19 Q. At approximately 2:00 o'clock in the  
20 morning, did you have you opportunity to come into  
21 contact with the complainant in this case, Mr. Taz  
22 Burch?

23 A. Yes.

24 Q. Would you please tell the Board how it was  
25 that you came into contact with Mr. Burch?

1           A. Deputy Ingle had brought him in and I think  
2     it was D.V.A. He was intoxicated, and we were booking  
3     him. He was very unruly with us, and we had to put him  
4     in a cell. He wouldn't give us no information. That's  
5     why we had to put him in the cell.

6           Q. Would you please describe the specifics of  
7     how it was that he didn't give you any information?

8           A. He was threatening Deputy Ingle from the  
9     time he walked through the door until Deputy Ingle left.  
10    We asked him Social Security number, date of birth,  
11    things of that nature, and he would not give us no  
12    information at all. And I told him, I said, "You can't  
13    get out of jail until we get this information." And he  
14    told Ms. Chapman, which was booking him, "I want my G.D.  
15    lawyer up here." So at that point I told him -- I  
16    popped the door and I said, "You need to come over here  
17    and come in this cell." And I went over there to open  
18    the door, and he turned around and waved to me as to  
19    walk out of the jail and under his breath he mumbled he  
20    was leaving. At that point I had to get him and put him  
21    in the cell, and when I put him in the cell, there was a  
22    chair in the cell and I had to get the chair out. So I  
23    told him, "When I get back from getting this chair out  
24    of here, you need to have your clothes off." So I got  
25    the chair out and went and got --

1 MR. PIAZZA: I'm going to object to his  
2 further narrative.

3 THE COURT: Just respond to his questions  
4 and he'll give you an opportunity to say what you  
5 feel like you need to say. Why don't you just  
6 listen to him and let him ask you some questions.

7 A. Okay.

8 Q. I think it was pretty good testimony. You  
9 were attempting to get him into prison uniform, is that  
10 correct, or jail uniform?

11 A. Yes.

12 Q. And you told him he needed to go ahead and  
13 take his clothes off; is that correct?

14 A. Yes.

15 MR. PIAZZA: Object to leading.

16 MR. WILLFORD: I'm just recapping where we  
17 were.

18 Q. Did he comply with your instructions to get  
19 undressed?

20 A. No.

21 Q. When you returned to the cell, was he still  
22 clothed?

23 A. Yes, sir.

24 Q. What did you do at that point in time?

25 A. I took his shirt, his pants, and his shoes

1 from him.

2 Q. And did you provide him with any other  
3 clothing?

4 A. Yes, sir, I did. I give him a uniform.

5 Q. Did you notice anything physically wrong  
6 with Mr. Burch that evening?

7 A. I noticed he had a cast on his arm.

8 Q. Do you recall which arm it was?

9 A. I believe it was the right.

10 Q. Will you please describe that cast to the  
11 members of the Board?

12 A. It was a cast as if you had went to the  
13 doctor and had a cast put on it, and it was cut in two  
14 or three ways down it, like it had be taken off, and  
15 then there was an ace bandage wrapped around it as if,  
16 you know, I shouldn't have took this off, I better put  
17 it back on.

18 MR. PIAZZA: I'm going to object to his --

19 THE COURT: Sustained.

20 Q. There was a cast in pieces with an ace  
21 bandage holding it together; is that fair?

22 A. Yes, sir.

23 Q. What happened with that cast that evening?

24 A. Well, when I took his shirt off, the sleeve  
25 of the shirt caught the bottom of the cast about the

1 elbow and it come off his arm and it hit in the floor.

2 Q. At any time while Mr. Burch and Deputy Ingle  
3 were in your presence, did you see Deputy Ingle strike  
4 Mr. Burch?

5 A. No, sir.

6 Q. At any time while the two men were in your  
7 presence, did you hear Deputy Ingle threaten Mr. Burch

8 A. No, sir.

9 Q. Did you hear Mr. Burch threaten Mr. Ingle?

10 A. Yes, sir.

11 Q. What did he threaten him with?

12 A. He told him, I'll get you, I'll get you back  
13 for this, the usual.

14 Q. Did Mr. Burch tell you what was wrong with  
15 his arm that would require him to have a cast?

16 A. No, sir.

17 Q. Did he make any complaints about Deputy  
18 Ingle doing anything to him?

19 A. No, sir.

20 Q. At some point you got Mr. Burch into the  
21 jail uniform; is that correct?

22 A. No, sir, he never did get into the jail  
23 uniform.

24 Q. Did he remain in the cell where you had  
25 asked him to take off his clothes?

1 A. Yes.

2 Q. Did you provide him with a jail uniform?

3 A. Yes, sir.

4 Q. What did he do with that uniform?

5 A. He tore it up like a sheet and laid it in  
6 the floor and sat on it. He never would put the uniform  
7 on.

8 Q. Did he remain in that cell for the rest of  
9 the evening?

10 A. Yes, sir.

11 Q. Did you have any other cause to have any  
12 contact with Mr. Burch that evening?

13 A. Well, he was beating his head on the wall  
14 from side to side and I had to go in there and tell him,  
15 "Look, if you don't stop, I'm going to put you in a  
16 chair."

17 Q. Did he comply?

18 A. Somewhat. It wasn't, you know as bad. He  
19 was still kicking the door and stuff like that, but it  
20 wasn't as bad as what it was to begin with.

21 Q. Did you ever see him strike anything with  
22 the hand that was in the cast?

23 A. No.

24 MR. WILLFORD: No further questions.

25

CROSS-EXAMINATION

BY MR. PIAZZA:

Q. Mr. Kendrick, how long would you judge the time period in which you were in contact with Mr. Burch?

A. 2:00 o'clock to 7:00 o'clock. Whenever he come in to 7:00 o'clock, when I left work.

Q. So that was some five-hour period?

A. Yes.

Q. Is that what your testimony is?

A. Somewhat. Whenever he come in until 7:00 o'clock that morning.

Q. You had ample opportunity to observe him; is that correct?

A. Yes.

Q. And you observed that there was a bandage on his right arm?

A. No, sir, there wasn't a bandage. There was a cast on his arm.

Q. A cast?

A. A cast with an ace bandage wrapped around it.

Q. And you testified that that cast came off at some point in time when you were trying to get clothing on him; is that correct?

A. That's correct.

1 Q. And I believe it was your testimony, correct  
2 me if I'm wrong, I thought you said that he actually did  
3 put the jail uniform on?

4 A. No, he did not. You're wrong I did not say  
5 that.

6 Q. Was your testimony that the cast came off  
7 while he was removing clothes or while you were removing  
8 his clothes?

9 A. When I took his shirt off, the sleeve caught  
10 the back of the cast and pulled the cast off of his arm.  
11 He never did put the uniform on, because he tore it up  
12 immediately and laid it out in the floor like a sheet.

13 Q. Did he ever put on a uniform, jail uniform?

14 A. He didn't while I was there.

15 Q. So for five hours --

16 A. I give him one and he tore it up. Obviously  
17 I'm not going to give him another one and let him tear  
18 another one up.

19 Q. For five hours, your testimony is, he did  
20 not have a uniform on?

21 A. No.

22 Q. What clothing did he have on in his cell?

23 A. He had on his underwear.

24 Q. He on his underwear.

25 A. And socks.



1 Q. And where was his other clothing?

2 A. They were sitting outside the door there.

3 Q. Did he have access to that clothing?

4 A. No.

5 Q. And was there -- what kind of a cell was  
6 this?

7 A. It was our detox.

8 Q. A detox, okay. So it was your impression --  
9 who made the decision to put him in the detox there?

10 A. I did.

11 Q. What basis did you make that decision?

12 A. Because he was threatening officers. He was  
13 uncooperative. He wouldn't do what he was told. I put  
14 him in there, which is standard procedure when a man is  
15 intoxicated to put him in there. There was no mat and  
16 no blanket given because he was threatening. I didn't  
17 know what he was going to do. If he ain't got nothing,  
18 he can't do nothing. He can't hurt himself or anybody  
19 else.

20 Q. What was the temperature in that cell?

21 A. I don't know. I didn't know about the  
22 temperature in there.

23 Q. Was it a heated cell?

24 A. It was detox. Whatever it is in there. I  
25 don't know that.

1 Q. How long have you worked there?

2 A. Four years.

3 Q. You don't know the temperature in that cell?

4 A. No. I never seen fit to see.

5 Q. Is it within the heating area of the jail --  
6 the heated area of the jail?

7 A. I'm sure. The whole facility is heated.  
8 It's got to be of some temperature.

9 Q. Was he allowed to make a telephone call?

10 A. No, sir, he wasn't, because the booking  
11 process was not completed and they do not get to call  
12 until the booking process is completed.

13 Q. At what time did you -- did you do the --  
14 who did the medical screening? Was that you? It says  
15 duty book officer; is that you?

16 A. I don't remember doing that.

17 Q. Do you remember doing a medical screening?

18 A. If my name is not on the -- C. Kendrick, it  
19 wasn't me that done it. And the best of my knowledge,  
20 it was not done and it was not booked in on our shift  
21 because he would not give us any information at all.

22 Q. Well, let me ask you this: What do you  
23 consider being booked in? Would medical screening be  
24 part of that booking process?

25 A. Yes.

1 Q. Okay. Now, I'm going to show you a medical  
2 screening that took place apparently at 2:16 in the  
3 morning or 2:28 in the morning, and it's got booking  
4 officer, Duty, I think that's what it says; is that  
5 correct?

6 A. That's Darty.

7 Q. Darty?

8 A. And that's 10:37 in the morning. What we  
9 did is we had had him several times, and we just booked  
10 him on the information we had. We could not update our  
11 information. If you'll look right there, that is J.  
12 Darty, and he did this medical screen at 10:37 in the  
13 morning.

14 Q. What about this time up here?

15 A. That's when it was printed.

16 Q. Okay. So it was printed out at 2:20 a.m.

17 A. Yes.

18 Q. But the actual screening wasn't done until  
19 10:00 o'clock?

20 A. That's right. On our screen -- our first  
21 screen in the booking process is name, address, Social  
22 Security number. We could not get past that part. If a  
23 man can't give me his Social Security number, he sure  
24 ain't going to tell me nothing else.

25 Q. So it's your testimony --

1           A. And when he goes to cussing my officers to  
2 begin with, it's over. He's going in the tank.

3           Q. So it's your testimony with the information  
4 that you pulled up on the screen, when he originally got  
5 to the jail, you could not book him with that  
6 information, even though he had been in the jail before  
7 and had been booked before and all of you knew him?

8           A. I don't know him. There's people that's  
9 been in that jail four or five or six times that I've  
10 never seen before.

11          Q. Well, let me ask you this --

12          A. This was the first time to my knowledge  
13 since I've been at the Walker County jail that this man  
14 has been in.

15          Q. Would you please answer my questions? Who  
16 pulled this information up on the computer at 2:16 a.m.  
17 or 2:28 a.m.?

18          A. That would probably be Ms. Chapman. She was  
19 running the computer.

20          Q. So someone in that jail recognized Mr. Burch  
21 or Mr. Barron?

22          A. No. We don't have to recognize him. We  
23 don't have to know him.

24          Q. Well, someone recognized him enough to pull  
25 all this information up here on him at 2:28 a.m.

1           A. When we get an arrest report and stuff, it's  
2 got somewhat information on it.

3           Q. You're saying that you couldn't book this  
4 man until 10:00 o'clock the next morning?

5           A. No. He was intoxicated. He would not  
6 cooperate. He would not cooperate at all.

7           Q. Who is the -- you mentioned a person by the  
8 name of Darty?

9           A. Yes.

10          Q. What's his first name?

11          A. Joey Darty.

12          Q. Joey?

13          A. Yes.

14          Q. How do you spell his last name?

15          A. It's on there, D-a-r-t-y, I think.

16          Q. Darty?

17          A. He might not even had been in our jail. The  
18 system changed and we might have just booked him off the  
19 arrest report. We have to put him in our system and put  
20 him on our board and keep a log on him. He don't have  
21 to give us any information. He can sit there until he  
22 does.

23          Q. What if he had been unconscious when he came  
24 in?

25          A. Do what?

1 Q. What if he had been unconscious if he had  
2 come in?

3 A. I was the supervisor --

4 Q. How would you go about booking someone  
5 unconscious?

6 MR. WILLFORD: I'm going to object to this  
7 on relevancy grounds. What does the procedure have  
8 to do with either Mr. Burch's condition or what Mr.  
9 Ingle --

10 THE COURT: This is cross-examination.  
11 I think he can go into it.

12 Q. If someone came in your jail facility  
13 unconscious, how would you proceed, how would you book  
14 that person?

15 A. With me being the supervisor on duty, when  
16 an inmate comes in, the first thing I do is I look at  
17 the inmate. If the inmate can't stand up or for any  
18 other reason, I don't take the inmate. I'll tell the  
19 deputy, you've got to take him to the hospital. If I  
20 accept the man, it's my responsibility. I won't accept  
21 the inmate. I don't have to take him in there before he  
22 has medical treatment.

23 Q. So, in other words, when he first came in  
24 that morning, you didn't see any anything -- it's your  
25 testimony that you didn't see anything that would give

1 you -- that would alert you to the fact that he may need  
2 medical treatment?

3 A. No.

4 Q. I'm going to show you a release sheet  
5 stating that there were remarks that he had a busted  
6 lip. Do you know when that was made?

7 A. This is Lonny Devito right here.

8 Q. Who made that report?

9 A. This was done at -- it was printed out at 11  
10 minutes after 10:00 the following morning.

11 Q. On February 16 or 17?

12 A. The 17th.

13 Q. He was brought in on the morning of the  
14 16th; is that right?

15 A. I guess.

16 Q. And it's stating that that was made out on  
17 the morning of the 17th upon his release?

18 A. Whenever he got out. I mean I'm not there  
19 24 hours a day, so I don't know when he was released.

20 Q. Does it state who made that report there?

21 A. Lonny Devito it's got down there as the  
22 booking officer. He was released at -- this was print  
23 at 10:11:09.

24 Q. All right. Now, at the -- on the morning of  
25 the 16th in which this medical screening was report --

1 was made, it's got written down here, "Finger appears  
2 blue and swollen," and it also has "finger appears to be  
3 broken." Do you know anything about that?

4 A. No. Joey Darty done that. That was 10:37  
5 when that was done.

6 Q. You said that Mr. Burch was threatening, he  
7 made threatening remarks. Did he make any threatening  
8 remarks to you personally?

9 A. No.

10 Q. How did he react to you?

11 A. He just would not give us any information at  
12 all, he wouldn't answer none of our questions.

13 Q. What kind of questions were you asking?

14 A. The booking questions.

15 Q. Did he tell you he wanted to talk to a  
16 lawyer?

17 A. No.

18 Q. He told you that when he first came in,  
19 didn't he?

20 A. No. He told my booking officer when she  
21 asked him if any of his information had changed --  
22 that's what we do. When we go through we redo  
23 everything, make sure -- get all updated information,  
24 and he told her that he wanted to speak with his G.D.  
25 lawyer.



1 Q. Okay. And at that point was he given an  
2 opportunity to speak with his lawyer?

3 A. Not then.

4 Q. And that was because he was being  
5 uncooperative?

6 A. No. It's probably because --

7 Q. Why was that?

8 A. It was probably 2:00 o'clock in the morning.  
9 He hadn't been booked, and it's just not procedure to  
10 talk to a lawyer at 2:00 o'clock in the morning. I've  
11 never seen one --

12 Q. What was his charge -- did you know what his  
13 charges were at that time?

14 A. No.

15 Q. You had no idea what he was being brought in  
16 for?

17 A. I knew he was being brought in for P.I.  
18 That's all I knew.

19 Q. Was his face red when he was brought in?

20 A. Yes, it was.

21 Q. So you knew he was being brought in for  
22 public intoxication?

23 A. Yes.

24 Q. How did you know that?

25 A. Well, I'd seen the report.

1 Q. What report?

2 A. The arrest report. I asked Deputy Ingle  
3 what he was, you know, and he said P.I.

4 Q. Is that what Deputy Ingle told you? But he  
5 was not charged with P.I., was he?

6 A. Well, you know, I see --

7 Q. Are you confusing this jail period with some  
8 other jail period in the past?

9 A. No, I am not. I remember very vaguely what  
10 happened. It's simple cut and dry.

11 Q. So he was brought in for public  
12 intoxication?

13 A. Well, you know, I see a lot of people. The  
14 charges, I mean, I booked in ten people last night. I  
15 can't tell you their charges. I don't have any  
16 paperwork on this at all.

17 Q. But it was your testimony that Deputy Ingle  
18 told you he was being brought in for public  
19 intoxication?

20 A. It was either public intoxication or D.B.A.,  
21 one or the other.

22 Q. D.B.A.?

23 A. I believe so. I'm not sure of the charges.

24 Q. What are you saying D.V.A.? What does  
25 D.V.A. stand for?

1 A. Domestic Violence Act.

2 Q. Did he also tell you he was being charged  
3 with domestic violence? That was your earlier  
4 testimony.

5 A. I can't remember exactly what he told me as  
6 far as the charges. The charges are on the arrest  
7 report. When we book them in, we put the charges on the  
8 screen. The charges don't matter to us. An inmate is  
9 an inmate. I knew he was intoxicated because I could  
10 smell --

11 Q. I don't recall asking you a question.

12 THE COURT: Just respond to his question.

13 Q. I'm going to show you what his appearance  
14 bond and charges on that appearance bond. Do you see  
15 anything about a domestic violence charge or a public  
16 intoxication charge?

17 A. Like I said, I don't know the exact charges.  
18 I knew the ballpark somewhere in there. I see a lot of  
19 different charges. I have 250 inmates in that jail and  
20 12 officers I've got to keep up with. I see charges  
21 everyday. I can't tell you the charges on the folks I  
22 booked in last night, because they run together. This  
23 has been since February.

24 Q. Let me ask you this: Who did you talk to  
25 prior to coming here tonight?

1           A. I didn't talk to nobody. I got straight up  
2 out of bed at 4:30 and come took a bath and come up  
3 here.

4           Q. Anybody talk to you about your testimony?

5           A. No.

6           Q. Did you review any records before coming  
7 here today?

8           A. Just what I know in my mind.

9           Q. Did I ask you if you knew Mr. Burch prior to  
10 that morning?

11          A. No.

12          Q. Did you know Mr. Burch prior to that  
13 morning?

14          A. No.

15          Q. Never met him before in your life?

16          A. No.

17          Q. Did you happen to have an occasion over the  
18 period of five hours to observe -- with him not having  
19 any clothes on -- to observe any marks on his body?

20          A. No.

21          Q. Did you observe that finger?

22          A. No.

23          Q. Did you observe that mark on his right arm?

24          A. No.

25          Q. Did you observe that mark on his back?

1 A. No.

2 Q. But it is your testimony he made no  
3 threatening remarks to you personally?

4 A. No, he did not.

5 MR. PIAZZA: That's all I have.

6 MR. WILLFORD: I just have one follow-up  
7 question. I want to give you an opportunity to  
8 answer the question that -- or to finish your  
9 statement that Mr. Piazza cut you off on.

10 REDIRECT EXAMINATION

11 BY MR. WILLFORD:

12 Q. How did you know Mr. Burch was intoxicated?

13 A. Well, he staggered around. He was  
14 uncooperative. He was laying all over the counter. I  
15 smelled the smell of an alcoholic beverage on him. It  
16 was very -- apparently he was drunk. I see drunks every  
17 night. I know a drunk when I see one.

18 MR. WILLFORD: That's all I have.

19 RECROSS EXAMINATION

20 BY MR. PIAZZA:

21 Q. You say he was staggering when he was  
22 brought in?

23 A. Yes.

24 Q. Would that be --

25 A. Just standing there he couldn't even stand

1 up straight.

2 Q. Would that be -- have you ever seen or  
3 witnessed anyone sprayed with Freeze Plus?

4 A. A few.

5 Q. Have you ever sprayed anyone with Freeze  
6 Plus?

7 A. Yes.

8 Q. Tell the Board what they could expect to see  
9 if a person was sprayed with Freeze Plus.

10 A. Probably just be holding his eyes and doing  
11 that (indicating), that's probably what he would do.  
12 His open were open. It had been a lengthy time since he  
13 had been sprayed before he got to us.

14 Q. How do you know that?

15 A. His eyes were opened.

16 Q. So if you're sprayed with Freeze Plus,  
17 you're going to close your eyes?

18 A. Oh, yeah.

19 Q. How else is it going to affect you?

20 A. Your mucous membrane in your nose, your  
21 sinuses, and that's about it. It takes your breathing  
22 away.

23 Q. How long does it affect your sight?

24 A. It has different affects on different  
25 people.

1 Q. About how long could one expect for their  
2 sight to be affected after being sprayed with Freeze  
3 Plus?

4 A. It affects people in different ways. We can  
5 spray people, they not even blink their eyes and not  
6 even bat their eyes, and we've sprayed them and they've  
7 been -- had their eyes closed for two or three hours.

8 Q. Did he appear to be in any pain when he was  
9 brought in?

10 A. No, and he did not state to me that he was  
11 or had any medical problems at all.

12 Q. Was he in handcuffs when he was brought in?

13 A. I can't remember that. I'm pretty sure he  
14 was.

15 Q. Was he escorted by Officer Ingle?

16 A. Yes.

17 Q. Was Officer Ingle the only one escorting  
18 him?

19 A. To the best of my knowledge.

20 Q. What kind of appearance -- what do you  
21 recall about the condition of Officer Ingle?

22 A. About like he is now.

23 Q. Was my client, Mr. Burch, fully clothed when  
24 he was brought in?

25 A. Yes, to the best of my knowledge.

1 Q. Who took his clothes off of him?

2 A. I did.

3 Q. How do you take clothes off an uncooperative  
4 person?

5 A. You just take them off.

6 Q. Did he still have his handcuffs on?

7 A. No. See we -- never mind. You didn't ask  
8 me a question.

9 Q. Did you ask him if he needed any type of  
10 medical treatment?

11 A. We didn't get that far. We didn't get to  
12 the medical treatment.

13 Q. You had five hours with him.

14 MR. WILLFORD: Is that a statement or a  
15 question?

16 MR. PIAZZA: It's a fact that he testified  
17 to himself.

18 MR. WILLFORD: I think he's answered it.

19 THE COURT: There's no question on the  
20 floor.

21 Q. So it's your testimony that you didn't have  
22 an opportunity within the five hours to ask him if he  
23 needed medical attention?

24 A. He had that opportunity, yes. He was in  
25 booking, standing at the counter. We asked him



1 questions to get started with the booking process. He  
2 did not get that far. He did not state -- I would say  
3 for the period of about 15 or 20 minutes, we more or  
4 less begged the gentleman for this information, basic  
5 information. Like one, who can we call in case of an  
6 emergency.

7 Q. Did you already have that information on  
8 file?

9 A. Okay. If I come to jail -- if we had him in  
10 our system before, I might be divorced and it won't be  
11 my wife that I want you to call if anything happens to  
12 me. Things change. That's why we go over it. That's  
13 why we book him in and do these questions every time  
14 they come in. He had the length of about 20, 15 or 20  
15 minutes to tell us that he had medical issues. When I  
16 went in the cell when he was beating his head, he could  
17 have told me I have a --

18 THE COURT: Just wait until you have a  
19 question. We'll get through a lot quicker if  
20 you'll just wait until he asks you a question.

21 Q. Let me ask you this, Officer: What records,  
22 if any, would you have made, and I'm going to ask you on  
23 two different levels; one, with an uncooperative inmate,  
24 and two, with an -- we'll say an unconscious inmate,  
25 what reports, what schedules, what information would be

1 made at that time upon his being brought into the jail  
2 with the time placed on it?

3 MR. WILLFORD: I'm going to object to this  
4 line of questioning on the grounds that it's  
5 outside the scope of a redirect, way outside the  
6 scope.

7 THE COURT: It is. Let's move along.  
8 I'm going to let you ask this question. Go ahead  
9 and answer the question if you can.

10 A. What was the question again now?

11 Q. Let me just show you this. I've got a  
12 packet of information that we subpoenaed from the jail.  
13 And as far as I can tell there is nothing in here that  
14 shows it being made out or recorded contemporaneously  
15 with this gentleman brought into the jail. I want to  
16 let you look this over and be sure I'm not missing  
17 anything. Okay. But there is nothing that I've got in  
18 my hand that was documented when this man was brought  
19 into the jail at 2:00 o'clock in the morning other than  
20 some printouts that were made.

21 A. About what?

22 Q. Anything that would have been done in the  
23 ordinary course of booking someone in the jail;  
24 questions, screens, that sort of thing.

25 A. Right there. That was printed out 3:05.

1 Right there is one, right there, 3:05.

2 Q. Okay.

3 A. In fact, right here at 3:05 was his medical  
4 thing that we do, his medical screen. We printed it out  
5 at 3:05, and he would not give us no information, so the  
6 booking officer on the day shift had to do that before  
7 we released him at 10:37 that morning.

8 Q. That's what I'm asking you. Do you see  
9 anything that was actually completed by anyone in the  
10 jail either prior to the time -- prior to that morning  
11 at 10:00 o'clock? In fact, all these documents you've  
12 just handed me which were printed out as you say on the  
13 computer at 2:00 o'clock or 3:00 o'clock in the morning  
14 were not filled out until some time later on that  
15 morning, is that correct, from what handwriting appears  
16 on these printed documents? In other words, nothing was  
17 actually filled out, no information taken.

18 A. No, he refused to give us any information.

19 Q. Is there anything in the jail house file  
20 which would indicate what the prisoner is being charged  
21 with?

22 A. As of when?

23 Q. As of when he's brought in or until he's  
24 discharged.

25 A. We have the arrest report and it's put on

1 his charge screen on the booking process.

2 Q. I didn't have an arrest report with the  
3 records that I subpoenaed from the jail. There's no  
4 arrest report in here --

5 A. Let me see that.

6 Q. -- unless I missed it. What's he charged  
7 with? Disorderly conduct. When was this arrest report  
8 made?

9 A. Date and time is on it. 2/16/04, 2:06 a.m.

10 Q. This was at some point after he was brought  
11 into the jail; is that correct? You said he was brought  
12 in at about 2:00 a.m.

13 A. I didn't say that. I don't remember exactly  
14 when he was brought in. Sometimes the deputies they do  
15 their reports in the car and they got it in, they just  
16 bring the inmate to us and we accept them, and then they  
17 turn around and leave. Sometimes they have to fill the  
18 report out there. I don't know which way it happened  
19 that night.

20 Q. Well, some of these printouts that we were  
21 talking about and discussing were made immediately  
22 after, at 2:28. But Mr. Ingle did not tell you that he  
23 was arresting this man. When he brought him in, he did  
24 not tell you he was arresting him for disorderly conduct  
25 and resisting a police officer.

1           A. I don't remember all that. There again,  
2 it's on the arrest report and he give me the arrest  
3 report.

4           MR. PIAZZA: That's all I have.

5           MR. WILLFORD: Nothing further.

6           THE COURT: You're excused.

7           MR. PIAZZA: Has she been sworn in?

8           THE COURT: Were you sworn earlier?

9           THE WITNESS: Uh-huh, before.

10                    PATRICIA WILKERSON BARRON

11           called on behalf of the grievant, having  
12 previously been duly sworn by the Court, was examined  
13 and testified as follows:

14                    DIRECT EXAMINATION

15           BY MR. PIAZZA:

16                    Q. Would you please state your full name for  
17 the record?

18                    A. Patricia Wilkerson Barron.

19                    Q. Are you the wife of Tommy Barron?

20                    A. Yes.

21                    Q. And how long have you been married?

22                    A. A year.

23                    Q. Do you live with Mr. Barron?

24                    A. Yes.

25                    Q. What's your address?

1 A. 161 Leonard Chapel Road, Carbon Hill, 35549.

2 Q. Were you living at that address with Mr.

3 Barron on the evening of February 15, 2004?

4 A. The evening of this, yes.

5 Q. Now, did you have an occasion to make a 911  
6 call that evening?

7 A. No. No, I didn't.

8 Q. Did Mr. Barron, or Taz Burch, make the call?

9 A. He did.

10 Q. What time was that call made?

11 A. I'm not certain. I'll say around 2:00  
12 o'clock in the night, morning.

13 Q. 2:00 o'clock in the morning?

14 A. Yes.

15 Q. And what -- as far as you know what  
16 precipitated him making the call?

17 A. Okay. I --

18 Q. Let me just ask, had you and he had an  
19 argument?

20 A. No.

21 Q. Had you and he been fighting?

22 A. No.

23 Q. What kind of activity were you and he  
24 involved in just prior to him making this call?

25 A. I was fixing him a sandwich and some milk

1 and I said, "Here's your sandwich and milk, and I'm  
2 going to bed." It was like night, you know. I was  
3 sleepy. I was going to bed.

4 Q. Had y'all been doing something other -- what  
5 had y'all been doing prior to your making a sandwich?

6 A. Playing cards.

7 Q. How long had you been playing cards?

8 A. He had a friend over and they played a few  
9 hands of cards, and him and his girlfriend was fussing  
10 over the cell phones. And he jumped up and threw the  
11 chair down in the floor and said, "I'm going to go kill  
12 her," and a bunch of fussing going on.

13 Q. Who was that?

14 A. But not me and him.

15 Q. But his friend --

16 A. His friend. And his friend and his  
17 girlfriend were fussing over cell phones.

18 Q. What time was that?

19 A. Around 9:00 or 10:00.

20 Q. 9:00 or 10:00 o'clock?

21 A. I think. This is -- I'm not perfect.

22 THE COURT: Just give your judgment.

23 Q. To the best of your recollection.

24 A. Okay. And then he left.

25 Q. What time did they leave?

1           A. I don't know what time he left. It was just  
2 a man. I'm not sure what time he left.

3           Q. Was his girlfriend with him?

4           A. Do what?

5           Q. Was his girlfriend with him?

6           A. No. They were on the cell phone talking.

7           Q. Okay. He was on the phone with her?

8           A. Yeah.

9           Q. He was arguing with some person you thought  
10 was his girlfriend?

11          A. His girlfriend over the cell phone.

12          Q. Now, after they left what did you and Mr.  
13 Burch do?

14          A. Well, they started calling. They called  
15 back over there and wanted him to come over there, and  
16 his girlfriend -- this woman called and wanted him to  
17 come over there and help with their fussing and  
18 fighting. And he called the police station at Carbon  
19 Hill and told them, "You go over there and help her.  
20 They're in a fight over there."

21          Q. What time did he call the Carbon Hill Police  
22 Station?

23          A. I'm not sure.

24          Q. But he did make a call to them?

25          A. Two times. Derane said if they need the



1 police, they'll come over there -- they'll call us  
2 themselves.

3 Q. Okay.

4 A. And then we sat down and we played cards,  
5 and Gene Barron, he called. Tommy's brother called us  
6 and was talking to us, and Tommy said, "I've got to go,  
7 Gene, because I'm trying to spend some time with Patty,"  
8 that's what he calls me, said, "we're playing cards."  
9 That was like midnight or so.

10 Q. Now, Taz he had a few beers; is that  
11 correct?

12 A. He had had two or three, but I think -- he  
13 took his -- he's on medication from the doctor.

14 Q. All right. What kind of medication is he  
15 on?

16 A. Different kinds. I don't really know that.  
17 But when he took his medication, he changed.

18 Q. Tell me what you mean by that.

19 A. He told me he didn't want his supper and he  
20 didn't want me to go to bed.

21 Q. What did he want you to do?

22 A. Stay up and talk to him.

23 Q. So he wanted to stay up and talk with you?

24 A. Yes.

25 Q. Did he get upset when you didn't want to

1 talk -- stay up and talk with him?

2 A. Yes, sir.

3 Q. At that point in time did he make the call?

4 A. Yes.

5 Q. Was he arguing with you?

6 A. He told me, he said, "I want you to stay  
7 up." And I said, "It's late and I don't care. I'm  
8 going to bed." And he said something like if you want  
9 to -- if you're going to go to bed and leave me, just go  
10 ahead and leave me." And I said, "No, I'm not going  
11 anywhere. It's dark outside."

12 Q. Were you aware that he had made a 911 call?

13 A. Well, I went in the bedroom to -- I sat down  
14 on the couch and he came and sat in his recliner and he  
15 picked up the phone and was trying to call somebody. I  
16 said, "Oh, good night." And I went in the bedroom  
17 putting on my nightgown, and then I heard him on the  
18 phone and realized what he was doing, so I picked up the  
19 phone in the bedroom and was talking to the lady in the  
20 bedroom on the phone.

21 Q. So you were on the phone with the 911  
22 dispatcher?

23 A. And he was on the phone in the living room  
24 and I was on the phone in the bedroom.

25 Q. He was on the phone?

1           A. Yes, both of us was on the phone with the  
2 operator.

3           Q. What was said?

4           A. He said something about we were fussing and  
5 fighting -- I had been bitching at him all day. And I  
6 told that lady, I said, "No, ma'am. We have not been  
7 fighting, nothing is going on here at this house." And  
8 she said, "Well, we've already got an officer on the  
9 way."

10          Q. What was said after that --

11          A. Then he said --

12          Q. -- by either side?

13          A. He told her something like, "Well, if we  
14 don't need no help, then just forget it." And he hung  
15 up. He came in the bedroom where I was at and laid down  
16 on the bed. And I --

17          Q. What time was that, do you recall?

18          A. I can't remember all the times now.

19          Q. The 911 call.

20          A. I can't remember all that.

21          Q. All right. But it was some time after --  
22 that was some time after 12:00 o'clock?

23          A. Yes. I'm pretty sure of that.

24          Q. So, he went on to bed, and what did you do?

25          A. I was sitting on the bed talking to the lady

1 trying to tell her we didn't need no help.

2 Q. And this is after he had gotten off the  
3 phone?

4 A. Yeah. He hung up the phone in the living  
5 room and came to the bed and laid down on the bed and  
6 was laying there, and I hung up the phone with the lady.  
7 I tried to tell her we didn't need no help and she said,  
8 "We've already got somebody coming."

9 Q. Did anybody from the Sheriff's Department  
10 show up at your house?

11 A. Yes. So I --

12 Q. What time did they show up?

13 A. I laid there a few minutes with him and I  
14 said, "Why did you do that for?" And he said, "Hun, I  
15 don't know." He was just going to sleep. So I got up  
16 and went in the living room to wait on the officer to  
17 come.

18 Q. What time did the officer come?

19 A. I don't know that, I mean, not exactly.

20 Q. Do you have a judgment as to the time he  
21 arrived?

22 A. Maybe 2:00 or 2:30, I don't remember.

23 Q. How long was it after the call, do you have  
24 a judgment?

25 A. Well, it wasn't very long.

1 Q. Would you say 20 minutes, half hour?

2 A. No, not that long.

3 Q. 20 minutes, 15 minutes?

4 A. Probably. I'm not sure.

5 Q. Short period of time?

6 A. Short period.

7 Q. Under a half hour?

8 A. Not that long. Under that, yes.

9 Q. Under a half hour?

10 A. Yes. I'm pretty sure of that.

11 Q. The police officer here, Mr. Ingle, is he  
12 the officer that was dispatched?

13 A. He's the one that came.

14 Q. And when he pulled up in the yard, did you  
15 go out to greet him?

16 A. I went outside to the car, yes.

17 Q. You went out to his car?

18 A. Yes.

19 Q. Before he got out?

20 A. He got out and I was already out there, yes.

21 Q. What did you say to him and what did he say  
22 to you?

23 A. I said, "We don't need any help. I'm sorry  
24 you came out here, but he's already gone to sleep, and  
25 we don't need any help." I held out my arms, I said,

1 "There is no fussing and no fighting going on at this  
2 house, and we don't need any help." I went like that  
3 (indicating). I don't know why.

4 Q. Had you ever see Mr. Ingle before, Derane  
5 Ingle?

6 A. I didn't recognize him. It was dark outside  
7 and, you know, I didn't know who he was at the time.

8 Q. But since then you've learned who he is?

9 A. Well, when he came in my house, yeah, I  
10 realized who he was.

11 Q. When you say you "realized who he was," tell  
12 the Board what you mean by that.

13 A. Well, he came in and he said, "I don't need  
14 to talk to you. I need to talk to -- you didn't make  
15 the phone call, like Tommy Barron made the phone call."  
16 And I turned around and walked back in the house, and he  
17 came in behind me and started screaming for him to get  
18 out of bed. I told him he was asleep but he started  
19 screaming at him to get out of bed.

20 Q. Where was he at the time when he started  
21 screaming?

22 A. Him?

23 Q. No, Mr. Ingle.

24 A. He was standing by the door and I was  
25 standing in front of him.

1 Q. All right. And where was Taz?

2 A. He was in the bed, probably asleep.

3 Q. How far is that from the front door?

4 A. Well, we've got a small trailer, about 52  
5 feet, I mean, so he was in the bedroom in the back of  
6 the trailer.

7 Q. Did you ask Mr. Ingle to leave?

8 A. Well, when he come up there I told him we  
9 didn't need no help and I'm sorry you came out here but  
10 we don't need you.

11 Q. Did you explain that you tried to tell the  
12 dispatcher that? Did you explain to Mr. Ingle that you  
13 told the dispatcher that?

14 A. Yes, I guess, because I told him, I said,  
15 "I'm sorry you made the trip. We don't need you."

16 Q. What happened next?

17 A. He started screaming for Tommy to get out of  
18 bed and come in there, and then after we -- now, I  
19 hollered at him too. After he started hollering at him,  
20 I called him and told him to come in there. And he came  
21 in there about -- we got a little bitty -- now, we're  
22 dealing with a little spot, from the door, I was here,  
23 he came down the hallway --

24 Q. Are you talking about your living room?

25 A. Yes. It's a very small area, about like

1 this right here.

2 Q. With reference to this space here, how big  
3 is it? Would it be half this space?

4 A. Say from this wall to that wall. It's a  
5 very short space.

6 Q. The end of this table or this end of it?

7 A. Derane was standing right there in front of  
8 the door.

9 Q. Okay. Assuming this --

10 A. I was standing right here (indicating).  
11 Tommy came to right here, Taz, whoever, came to right  
12 here, and was standing right there and he walked on over  
13 here, and he said, "Oh, Lord. My past has come to haunt  
14 me." And when he did, I knew it was Derane Ingle. So I  
15 looked at him and I said, "You're Derane Ingle?"

16 Q. Did he not have a name tag on?

17 A. I don't know. I didn't see one.

18 Q. Was he dressed in his officer uniform?

19 A. Yes. So I put my hand on Tommy's chest and  
20 I scooted him back. I said, "Nuh-uh, don't get by him,  
21 don't get in his face. Stay back here." Me and him was  
22 right there.

23 Q. And why did you do that? Was Tommy making  
24 any kind of threatening remarks?

25 A. No. He just said, "Oh, my God. My past has